

UNITED STATES OF AMERICA
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

THIS DOCUMENT RELATES TO:

Case Track 3

Case No.

1:17-MD-2804

Honorable

Dan A. Polster

- - - - -

TRANSCRIPT OF PROCEEDINGS VIA TELECONFERENCE

BEFORE JUDGE DAN A. POLSTER, JUDGE OF

SAID COURT, ON WEDNESDAY, JUNE 2ND, 2021,

COMMENCING AT 1:00 O'CLOCK P.M.

- - - - -

Court Reporter:

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1 P R O C E E D I N G S

2 JUDICIAL ASSISTANT: Judge, do you want a
3 roll call or --

4 THE COURT: No. That's okay.

5 All right. Good afternoon. This is our
6 monthly Track 3 status call. I appreciate the status
7 report that was filed the other day. There are a few
8 things I want to cover.

9 First, I want to talk about the jurors for
10 our October trial. I wanted to put out the possibility
11 that we pick only jurors who have been vaccinated. It
12 strikes me that everyone else who is going to be in that
13 courtroom daily I am sure will be vaccinated.

14 I am sure all the lawyers will be
15 vaccinated, the Court staff will be vaccinated, most of
16 the witnesses, but again, the witnesses are going to be
17 in and out. The people that have been here daily have
18 been vaccinated. I see no reason not, you know, no
19 reason to pick jurors who have not been vaccinated.

20 First, they are potentially putting people
21 at risk, but also, I think it is far more likely we will
22 get jurors to be willing to serve for five, six weeks,
23 whatever, if they know that the other jurors who they
24 will be with each day have been vaccinated because my
25 hope is that I will be able to operate normally in this

1 trial;

2 That I will be able to use the jury box and
3 my deliberation room and pick the jury in my courtroom.
4 It seems to me we can do that far more readily if we
5 simply pick jurors who have been vaccinated.

6 And obviously, we will be on the honor
7 system, but I don't think too many people will lie about
8 vaccination to get on the jury. So I am throwing that
9 out, you know, if anyone has any thoughts, but it seems
10 to me that's something lawyers should talk among
11 themselves if there is -- I can probably impose that
12 requirement myself, but I would rather have agreement on
13 it.

14 MR. LANIER: Your Honor, Mark Lanier for the
15 Plaintiffs. I guess the main trial lawyer on this, and
16 it falls in my lap. While others may throw rocks at me,
17 I agree a hundred percent, and I will stick my neck out
18 and say that the Plaintiffs will agree.

19 THE COURT: Okay. Thanks, Mark.

20 MR. STOFFELMAYR: Judge, Kaspar Stoffelmayr.
21 Obviously, I had the same thought at one point and
22 certainly understand the appeal. There is something
23 about it that I will say just kind of feels odd.

24 What if there is somebody because of a
25 medical condition who wasn't able to get vaccinated, are

1 they -- is it proper for them to be excluded? I don't
2 know the answer to any of these questions. I would just
3 ask that the Court not make a rush decision and give it
4 time to think it through.

5 THE COURT: No, I wasn't -- Kaspar, I was
6 not demanding the decision today. It is not so much
7 excluding but -- well, I would not think that someone
8 that has a medical condition and can't be vaccinated
9 would want to be around a crowd everyday for five or six
10 weeks.

11 MR. STOFFELMAYR: Yeah. I understand
12 completely.

13 THE COURT: We can't use that person. I
14 would excuse that person.

15 MR. STOFFELMAYR: Right.

16 THE COURT: We all would. I mean, that's a
17 no brainer. So I got to think that person when they get
18 -- we are going to follow the same procedures we did two
19 years ago, two years, send out summons to about a
20 thousand people inquiring about their willingness and
21 availability to, you know, serve in a trial that could go
22 five, six, seven weeks, whatever, starting October the
23 4th.

24 And a whole lot of people obviously will say
25 no. But I was thinking in that summons I want to be able

1 to say something about what the protocols are going to be
2 in the trial, and if we are only going to have jurors who
3 are vaccinated, I would put that in there, and I think
4 the summons will probably go on, summons inquiry,
5 whatever, to the initial thousand people around July
6 23rd. So you got a little time, but I thought I would
7 raise it.

8 MR. STOFFELMAYR: Thank you, Judge.

9 THE COURT: One, you talk about it, and I --
10 I think it is the sensible thing to do. So you can talk
11 about it and get back to Special Master Cohen with your
12 thoughts. All right.

13 So again, my plan is to have the jury
14 department send out those initial summons inquiries
15 around July 23rd, and we will send the detailed
16 questionnaire around August 23rd, the ones, the jurors
17 who say they are available, willing and able to serve for
18 a lengthy trial will get the detailed questionnaire and
19 that's -- I think I looked at the schedule -- that's due
20 to Special Master Cohen July the 10th. I will go through
21 it, we will finalize it, and that will go out in August.

22 All right. These are things I wanted to
23 cover.

24 What I am calling the zero market share
25 cases, the Plaintiffs filed a report today, and it shows

1 that things are moving along, and a number of cases have
2 been dismissed or will be dismissed shortly.

3 I guess the only thing that was a little
4 vague was the last one, Plaintiffs' counsel continued to
5 analyze the causes for Giant Eagle.

6 My guess is there are far fewer cases
7 involving Giant Eagle because they are only in Ohio. So
8 there are not many, but is there a particular problem
9 with Giant Eagle or just that there are a lot fewer
10 cases, so there is not much to report.

11 MR. WEINBERGER: Your Honor, this is Peter
12 Weinberger. We are not giving Giant Eagle priority. We
13 are just -- we are just sorting through it.

14 THE COURT: Okay. They are only in Ohio, so
15 there are fewer cases. All right.

16 MR. BARNES: Also, your Honor, this is
17 Bob Barnes, Giant Eagle, there is one case and one case
18 only, and that's filed by Pete's firm in April, was filed
19 by Pete's firm in late 2018. We asked to be dismissed in
20 mid April, and that was the subject of back and forth
21 e-mails, so there is only one case is my point.

22 THE COURT: All right. There is only one
23 case, so fine.

24 MR. WEINBERGER: And I can report subject to
25 some finalization of discussions, it probably occur.

1 THE COURT: Okay. Fine. Thank you.

2 MS. MOORE: Your Honor, this is Kelly Moore
3 for Rite Aid. So the status report does indicate that
4 Plaintiff intends -- it has been two months, and so far
5 you can see from our status report very few have been
6 dismissed and even fewer with prejudice as the Court
7 directed or ordered I should say.

8 And the status report the Plaintiffs filed
9 indicates there are hundreds of cases that Plaintiffs
10 have -- has said that they intend to pursue despite the
11 lack of market share. I don't think that's consistent
12 with the Court's order or the intent of the Court's
13 order.

14 And I think when this was last discussed on
15 April 7th, the Court indicated if it had to it would
16 issue an order to show cause for why Plaintiffs are
17 refusing to dismiss those cases with prejudice, and once
18 again, I know that the status report indicates there is
19 some movement, but there is obviously hundreds of cases
20 where Plaintiffs have gotten back to the PEC and said
21 they do not intend to dismiss the cases.

22 MR. WEINBERGER: So Kelly, if I can respond,
23 your Honor, Weinberger for the record --

24 THE COURT: Yes.

25 MR. WEINBERGER: I don't know exactly what

1 you are reading, and I know you just got it this morning,
2 but here is what it says. We have received responses
3 noting that 141 cases will be dismissed, and an
4 additional 64 will be dismissed subject to client
5 approval. It goes on to say that 37 cases are being
6 fully further investigated while 70 Plaintiffs intend to
7 pursue their claims against Rite Aid. So there are --

8 MS. MOORE: And so --

9 MR. WEINBERGER: Wait, wait. Wait a minute.

10 So we have not -- I know there is more than
11 that on your list, and we have reached out to all of the
12 Plaintiffs' counsel on that list, and clearly, we haven't
13 heard back from everyone, but we are continuing to work
14 through that.

15 So I don't think.

16 MS. MOORE: But I --

17 MR. WEINBERGER: Can I finish, please?

18 THE COURT: Let him finish.

19 MR. WEINBERGER: So I don't think there is
20 any reason for any show cause motions or orders to be
21 issued at this point. I can tell you that I and my
22 office, particularly Sheila, my able assistant, is
23 continually communicating with the lawyers on those cases
24 out there and asking for information, and I think you can
25 see from our report that we've made progress.

1 It has been 60 days, but you know, there is
2 a lot that has to go into the decisions by each OF these
3 Plaintiffs' counsel in consultation with their clients
4 before decisions are made on these cases, and I think
5 what I've laid out in the first paragraph of my report is
6 that, you know, there are -- there is additional
7 information that, if we had it, we could be, say, more
8 timely in deliberating on what exactly it is that these
9 lawyers, the Plaintiffs' lawyers, are going to do. I
10 think we have shown progress, and I will just leave it at
11 that.

12 THE COURT: All right. Look, progress is
13 being made. This is complicated. I am not going to
14 issue any further orders. It is moving ahead, but trust
15 me, I am not just -- if at the end of this process the
16 PEC reports that hundreds of cases are proceeding against
17 Defendants with zero market shares in that county, that
18 isn't going to stick, fit.

19 I am going to require some specific showing
20 from the Plaintiffs in those cases why they are
21 proceeding, and I will have to evaluate it. So this is
22 just the first cut. Just so we understand, just because
23 a lawyer comes back and says we want to proceed, you
24 can't just accept that on face value.

25 They are going to have to make a showing as

1 to why, as to what is their basis for proceeding against
2 a pharmacy that has zero market share in that county.

3 Now, if there is a large market share in a
4 neighboring county and the stores are close, well, okay.
5 That would be a good reason. So I will just let that --
6 we will let that continue.

7 MR. WEINBERGER: Your Honor, thank you.

8 If I can just add to the mix here, I can't
9 emphasize enough, and I have had these kind of
10 conversations with counsel from all over the country, the
11 difficulty in assessing on behalf of a particular client,
12 this market share issue when the dispensing data has not
13 been produced.

14 I think I've laid out in our report the
15 difficulty of analyzing the situation just based upon
16 Arco's data because it doesn't provide us information to
17 whom and -- to whom the customer was dispensed and where
18 that customer lived or resided, which is, as the Court
19 knows from just seeing what has been developed in CT 3
20 the importance of the dispensing data to issues
21 associated with market share, contribution to the
22 epidemic, and other issues.

23 And as I suggested in my report, in terms of
24 any Plaintiff, any Plaintiffs' counsel, whether they are
25 within the PEC or outside of the PEC, fairly evaluate a

1 county where, let's just say a Wal-Mart does not exist
2 geographically within the county and Wal-Mart's
3 involvement in terms of dispensing pills from outside the
4 county, from stores outside the county to customers
5 within the county without the dispensing data, which the
6 Defendants all have is -- it is a difficult task and to
7 some extent un fair to Plaintiffs' counsel and to that
8 client whose case has been stayed if they are in the MDL,
9 who cannot make a request for the dispensing data, other
10 than whatever request the PEC makes on behalf of the
11 entire MDL.

12 And we haven't revisited that subject, which
13 we originally filed a motion on, you know, six or eight
14 months ago, but we may come to a point on behalf of
15 the Plaintiffs in the MDL where we have to renew that
16 motion if we get -- if these Plaintiffs are getting
17 pushed to make decisions that -- where they need this
18 information.

19 THE COURT: All right. Well, it may be that
20 I will have to either, you know, let it go or selectively
21 direct the Defendants to submit dispensing data for those
22 counties if they want the case dismissed.

23 MR. STOFFELMAYR: Your Honor, may I respond?
24 It is Kelly Moore.

25 THE COURT: Yeah. All right. But I don't

1 want to spend a lot of time on this, but go ahead, Kelly,
2 I just --

3 MS. MOORE: But what the Plaintiffs appear
4 to be saying, they know they have not adequately pled
5 these cases, and they have not had a factual basis to do
6 so, and they would like discovery first.

7 But that's not how the federal pleadings --
8 rules regarding federal pleadings go. That's not what is
9 required. If they don't have a factual basis or basis to
10 file these complaints, they shouldn't have filed them.
11 They don't get to do discovery first.

12 Furthermore, on the issue of nationwide
13 dispensing data, which they are seeking to pursue a
14 migration theory, that is not the way they perceive these
15 cases. The entire cases and how they work them up is
16 based on Arco's data. Their assessment of what market
17 share is is based on chill Phipps' jurisdiction, not
18 where those pills went thereafter. That's what they base
19 market share on.

20 So to switch gears and say we need
21 nationwide dispensing data, they wouldn't just need it
22 for a particular Defendant. That's only to get them the
23 enumerator. To get the denominator for that new
24 database, they would need dispensing data from every
25 pharmacy in the entire country for all of the nationwide

1 dispensing data to figure out what your new denominator
2 is.

3 And that's just not the way they have been
4 doing these cases. They can't have it both ways and rely
5 on Arco's data when they give the market share and then
6 say no, we need discovery to actually plead a case before
7 they do.

8 MR. WEINBERGER: Your Honor, we are happy, I
9 don't want -- you know, I don't want to waste the
10 Court's time -- we are happy to -- you know, if it calls
11 for a renewed motion, we will do it.

12 We are happy to brief this issue because I
13 couldn't disagree more strongly with Ms. Moore about how
14 she is couching what we base cases on or what we base
15 market share on.

16 With respect to the dispensing obligations
17 and liability, it has always been based upon dispensing
18 data, which is why we wanted the national dispensing
19 data in the first place, but we are happy to brief this
20 issue.

21 THE COURT: I have neither the time nor the
22 interest in wading into this. I thought we would try to
23 clean up some of these pleadings. If we can do it, fine.
24 If it is going to be just too big a production, you know,
25 considering these cases aren't being litigated and who

1 knows when and if they will be litigated, we won't. So
2 we will just see how this continues.

3 All right. The CMO for the five bellwethers
4 was due tomorrow. There was some correspondence that
5 came in today that I started looking at. The Defendants
6 wanted some additional time until next Wednesday, the
7 9th. You know, another week doesn't seem to be -- the
8 world is not going to end if you have another week.

9 MS. TABACCHI: Thank you, your Honor.
10 Tina Tabacchi from Jones Day. We appreciate that, your
11 Honor.

12 THE COURT: So I will extend it to July --
13 to June -- what is June --

14 MS. TABACCHI: It was June 9th, your Honor.
15 That was next Wednesday.

16 THE COURT: All right. June 9th. All
17 right.

18 MS. MORALES: Your Honor, Paulina Morales in
19 regards to the Plaintiffs. Just one note on that, one of
20 the reasons why we were in discussions on this point was
21 because the briefing schedule with the CT 3 dispositive
22 and Daubert motions, our efforts have been to try and
23 schedule these motions to dismiss so they don't overlap
24 with that.

25 So our hope is that we can reach agreement

1 with the Defendants to --

2 THE COURT: Rightfully so, and I am
3 directing the parties to enter into stipulations. We
4 don't need the same issues briefed. I mean, just enter a
5 stipulation that the Defendants in these five cases would
6 make the same arguments they made in CT 3, and the
7 Plaintiffs would do the same thing, and the Court would
8 issue the same ruling. So we only -- I only am going to
9 entertain motions to dismiss on new grounds or new
10 theories.

11 MS. MORALES: Thank you, your Honor.

12 THE COURT: And I got -- if the pharmacy
13 Defendants will commit to June 23rd as the deadline to
14 file motions to dismiss in Montgomery, Ohio, I take it
15 this is on some new ground. It wasn't raised in Track 3.
16 Is that correct?

17 MS. MORALES: We understand your rulings,
18 your Honor. There are a number of new Defendants that
19 have been included in these cases, and there may be some
20 personal jurisdiction arguments or other motions to
21 dismiss.

22 But we understand the rulings that you've
23 set out and your request that we not rehash issues that
24 you ruled on, and we will work towards an objective to
25 that end as we set the schedule for these cases.

1 THE COURT: Okay.

2 MS. MORALES: Your Honor, we would ask if
3 the date could be June 18th to avoid the overlap with the
4 CT 3 briefing.

5 MS. MOORE: Your Honor, I am just requesting
6 that we get an opportunity to exchange these schedules
7 and work with Special Master Cohen to work out a
8 particular date.

9 THE COURT: The only thing I'm extending is
10 the June 3rd to June 9th. All right?

11 MS. MORALES: Understood.

12 THE COURT: Now, while we are on that, the
13 Defendants opposed the Plaintiffs' motion to bifurcate.

14 Let me go back before I get to that.

15 The motion to strike, the Defendants filed a
16 motion to strike reference to millions of other
17 prescriptions, and one of the experts Plaintiffs opposed,
18 the Defendants replied. I agree with the Defendants.
19 You can't refer to these millions of other prescriptions.

20 However, I am going to caution the
21 Defendants if somehow in your cross examination of the
22 Plaintiffs' expert or in your case you somehow open the
23 door, the Plaintiffs can seek approval from me to make
24 reference to these other prescriptions.

25 So you know, I am not -- I am saying the

1 Plaintiffs and their experts can't refer to them in their
2 case in chief, but you know, I have no idea what kind of
3 cross examination is going to be and what kind of defense
4 the Defendants are going to put on.

5 And if they somehow open the door and the
6 Plaintiffs make that argument to me and I agree, then
7 they can, you know, they can use that, but I am not going
8 to allow the experts to talk about prescriptions beyond
9 the -- I can't remember the exact number, 884,000,
10 whatever it is you are limited to.

11 MR. LANIER: Your Honor, Mark Lanier for the
12 Plaintiff. We understood that to be exactly what you
13 told us already, and we will abide by that.

14 I will represent to you on the record right
15 now that will not come out in our case in chief. We will
16 not be using those numbers. They are simply there as
17 that math because who knows what the Defendants may wind
18 up doing.

19 And if it comes up, I would obviously
20 approach the bench, and I would make my case for you to
21 allow me if it has opened the door, but I will not be
22 affirmatively offering that into evidence. I understand
23 your ruling a hundred percent.

24 THE COURT: All right.

25 MS. SWIFT: Your Honor, this is Kate Swift

1 for Walgreens if I may respond.

2 THE COURT: All right.

3 MS. SWIFT: As we understand what Plaintiffs
4 are trying to do with these millions of additional
5 prescriptions, they are not distinguishable from the
6 884,000 that they claim caused them harm, and therefore,
7 we do not understand how they could ever be proper
8 rebuttal.

9 THE COURT: I am not -- I don't know if they
10 could be, but I am not saying that there is no possible
11 scenario where they couldn't be. They are not coming in
12 in the Plaintiffs' case in chief, but Defendants have to
13 understand, I don't know what cross examination you are
14 going to do or what kind of defense you are going to put
15 on.

16 MS. SWIFT: I understand.

17 THE COURT: And if Plaintiffs argue that you
18 opened the door or somehow made them relevant, I will
19 certainly entertain the argument, and they might be
20 right. So that's all I am saying now.

21 MS. SWIFT: Thank you, your Honor.

22 THE COURT: All right. The motions to
23 bifurcate, Defendants have opposed -- candidly, I don't
24 understand the Defendants' argument, the suggestion that
25 I leave all these other Defendants and maybe other --

1 other Defendants in the cases, these five cases, and
2 letting the five other judges ultimately decide who is
3 going to be in or out makes no sense because I will be
4 the one who is supervising discovery and motions to
5 dismiss.

6 And everyone needs to know who is in the
7 case now, who is going to be doing the discovery and who
8 can file a motion.

9 So that has to be decided at the outset, and
10 we -- I imagine the MDL, and at the moment the only
11 entities, the only entities who have not settled or are
12 not actively trying to negotiate settlements are the
13 pharmacies.

14 So the bellwethers are needed for the
15 pharmacies, and that's why I set up and structured it
16 that way. So I am going to grant the Plaintiffs'
17 motions.

18 Everyone understands that, you know, if the
19 Plaintiffs are only going on one or two theories, that's
20 the only theories they are going to be able do, they
21 can't come back and have another bite at the apple
22 against these Defendants with different theories.

23 As to Defendants who are dismissed without
24 prejudice, basically, they are still in the case for
25 global settlement purposes, but there is not any real

1 likelihood there will ever be a separate trial against
2 them, but they are still there just dismissed without
3 prejudice.

4 So the whole purpose was to have bellwethers
5 against the pharmacies, and we are including, you know,
6 what I will call local or regional pharmacies if the
7 Plaintiffs want to have them, these bellwethers. It is
8 up to them.

9 So as I just mentioned, it is only the
10 pharmacies who in this MDL, who don't seem to be
11 interested in exploring resolution and they don't want me
12 to be involved at all, I respect that.

13 So it makes it difficult for me to decide
14 how to manage the MDL and how to proceed. I can only
15 guess or speculate and make my best decision as I can,
16 and I don't get any information or feedback from the
17 pharmacies.

18 I have a lot of feedback from the
19 Plaintiffs' lawyers because I am talking to them all the
20 time, not about resolving these cases but resolving other
21 ones.

22 So I understand a lot about how they are
23 looking at this MDL, how they look at cases, what their
24 approach is. I can only guess or speculate as to the
25 pharmacies.

1 You know, Wal-Mart -- I will share what the
2 pharmacies and, you know, on the record here, my guess,
3 my speculation, and if you want to tell me I am wrong,
4 that's okay. If not, you ought to know what I'm
5 thinking.

6 Wal-Mart has enough money to litigate for a
7 hundred years. Wal-Mart can litigate these cases for the
8 next hundred years and still be one of the biggest
9 companies, if not one of the largest companies in the
10 country, if not the largest in the world. So they are
11 going to be here.

12 And Wal-Mart is going to the mat against the
13 Department of Justice pretty hard, and they can do that.
14 Everyone understands that the Department of Justice has
15 one big stick that no one else has, which is, well, they
16 have got to approve the DEA license.

17 And a pharmacy without DEA license isn't
18 much of a pharmacy, but Wal-Mart is going to be Wal-Mart,
19 whether they are in the pharmacy business or not. They
20 could -- other pharmacies could be shut down, and that's
21 just a drop in the bucket for Wal-Mart. So they are in a
22 class of their own. The other pharmacies are not.

23 All you are is pharmacies, and none of the
24 other pharmacies have the kind of resources Wal-Mart has.
25 Wal-Mart may figure, well, they are litigating, and

1 eventually, the other pharmacies go out of business, and
2 they will be the only one in the country. So -- but the
3 other pharmacies are in a different posture.

4 So all I can do is keep raising this, and if
5 anyone is interested in trying to resolve their case and
6 they want my help, they can contact me or Special Master
7 Cohen, but in the absence of anything, I just have to
8 assume that the pharmacies intend to keep litigating
9 these cases until they drop or the Plaintiffs drop, you
10 know, drop by obviously -- if pharmacies win all the
11 cases, eventually, the Plaintiffs say "all right. We
12 give up, and we will just proceed against everyone else."

13 But if that doesn't happen, well, it is who
14 drops first. So that's why we have to keep having
15 bellwethers. You know, at some point if that's what is
16 happening, there won't be any reason to keep the MDL. I
17 will just remand all the cases. There won't be anything
18 further for me to do.

19 So I am suggesting, if I am reading the
20 pharmacies wrong and they are interested in sharing
21 anything with me, you can always contact me or Special
22 Master Cohen. Otherwise, I will just have to manage the
23 MDL and this track as best I can.

24 So I think I covered everything other than
25 setting a date for the next status conference that I had

1 on my list.

2 Is there anything else that I've missed or
3 that someone wants to bring up?

4 MR. WEINBERGER: Your Honor, this is Peter
5 Weinberger. I just noted this is partly my fault. I
6 just noted that our status report, which we recently
7 filed, shows that it is a joint status report as of May
8 6th, 2021, and obviously, it is a status report as of
9 June 1, 2021.

10 So I just wanted to make that correction for
11 the record.

12 THE COURT: Okay. Well, oh, I see, in the
13 headlines. Sure. I just jumped right over it.
14 Obviously, it was June 1, thank you.

15 MR. WEINBERGER: I did too, your Honor.

16 THE COURT: All right. Okay. How is
17 Wednesday, July the 7th at 1:00 o'clock. We have been
18 going in the first or second Wednesday of the month. I
19 have got a couple of mediations that day, but I have got
20 one in the morning and one starting at 1:30.

21 And I thought if that works for everyone, we
22 will do it at 1:00 o'clock on Wednesday, the 7th.
23 Wednesday seems to be a good day. So that would make the
24 status reports due Tuesday at noon. That's the day after
25 July 4th. I guess the other -- yeah. The following week

1 I've got a criminal trial that is definitely going.

2 So I would rather do it July 7th than the
3 14th, so we will just say the status report -- I mean, if
4 you want a little -- quite frankly, I can get it at 3:00
5 o'clock on the 6th. That's fine.

6 MR. STOFFELMAYR: Thank you, Judge.

7 THE COURT: 3:00 o'clock on the 6th is fine.
8 I can read it in an hour or so. Okay. All right.

9 Thanks, everyone. Stay safe, and we will
10 talk to you in a month.

11 MR. WEINBERGER: Thank you, Judge.

12 (Status hearing concluded at 1:45 p.m.)

13 - - - -

14 C E R T I F I C A T E

15 I, George J. Staiduhar, Official Court
16 Reporter in and for the United States District Court,
17 for the Northern District of Ohio, Eastern Division,
18 do hereby certify that the foregoing is a true
19 and correct transcript of the proceedings herein.

20
21 s/George J. Staiduhar
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